

DETROIT
COURT DISMISSES MURDER CHARGES AGAINST ACTIVIST
BY MONA MEGALLI

In granting a motion by the prosecution, a federal court for the second time dismissed first degree murder charges against political activist Darnell Summers in the 1968 shooting of an undercover Michigan State trooper.

Wayne County Prosecutor John O'Hair said Wednesday there was "no factual, legal or ethical justification for proceeding with this case."

Eric Seitz, Summers attorney, said Wayne County Circuit Judge Joseph E. Sullivan ruled to dismiss charges due to lack of evidence.

"It is an enormous victory," Seitz said. "We have been contending all along they did not have enough evidence."

Charges against Summers, 36, in the killing of trooper Robert Gonser, who was shot in his car in Inkster, Mich., Aug. 8., 1968, were dismissed in 1969 because the state's sole witness, Milford Scott retracted his testimony.

"I have been under investigation by several agencies: the FBI, the CIA, Military Intelligence, etc, for the past 15 years and the surveillance shows I did not have anything to do with it (the murder.), Summers said Wednesday.

Summers, a musician, left the United State in the mid 70s and continued his political activities in West Germany, preaching a revolutionary ideology among Americans GIs stationed there. He formed two Jazz bands, Afrodesia and The Criminals.

The case was resurrected in 1982 and Summers was extradicted in July 1982.

Seitz said the judge dismissed the case without prejudice, meaning charges could be filed for the third time. He said Summers would appeal to have the case dropped for good.

Seitz said Sullivan was to rule on several defense motions Wednesday seeking dismissal of the case because the prosecution refused to turn over evidence gathered by federal and state authorities at the time of the murder.

He said Gonser, along with the Detroit Police Department, the FBI and other agencies had been investigating Summers.

"Reports would have shown where he (Summers) was the time Gonser was killed. They probably have evidence of prove he was innocent."

Summers, if convicted, would have faced a life sentence without possibility of parole.